

KENNEBUNKPORT Town Review

A newsletter for the residents of Kennebunkport

Number 13

Spring 2010

Back to the future? Goose Rocks Beach owners look to 1647 colonial ordinance to close beach to public

By Larry S. Mead, Town Manager

Residents wishing to take sunset strolls along the beach may need to unearth their muskets, linen shirts and shifts, breeches, stockings, bodices and doublets in order to be allowed on the beach at all. A lawsuit filed by some Goose Rocks residents reaches back 360 years to dust off standards of use established by colonial ordinance, ignoring both longstanding patterns of beach use by the public for at least the last hundred years and clear signals from Maine's highest court that past interpretations of the colonial ordinance were too narrow. Last October, 23 Goose Rocks beachfront property owners filed suit against the Town of Kennebunkport and also against

"all . . . persons who claim the right to use . . ." the beach areas in front of their respective properties from the sea wall to the low water. This sweeping inclusion makes defendants of anyone who believes they have the right to sunbathe, read, play frisbee, build sandcastles or walk up and down the beach in the areas adjacent to the 23 owners' properties. Because the 23 property owners are scattered all along the length of Goose Rocks Beach from Sand Point to the Batson River, their lawsuit effectively encompasses the entire two mile length (10,000 linear feet) of the beach, excepting the approximately 700 feet of beach held in trust by the

See FUTURE page 8

Controversy emerges over allocation of MSAD 71 debt

By Larry S. Mead, Town Manager

Late in this year's RSU 21 school budget process, school officials discovered that the estimates they were using for each Town's fiscal year 2011 assessment throughout the weeks of budget discussions were wrong. The estimates were based on incorrect assumptions related to how the consolidation plan approved by voters in 2008 allocated debt between Kennebunkport and Kennebunk. School district staff then revised the budget so that it was in conformance with the plan and state law. As now proposed, there will be no shift in costs between the towns. The two towns' share of debt service costs in fiscal year 2011 will be the

same as in fiscal year 2010, and the same as in the final four years of MSAD 71 operations.

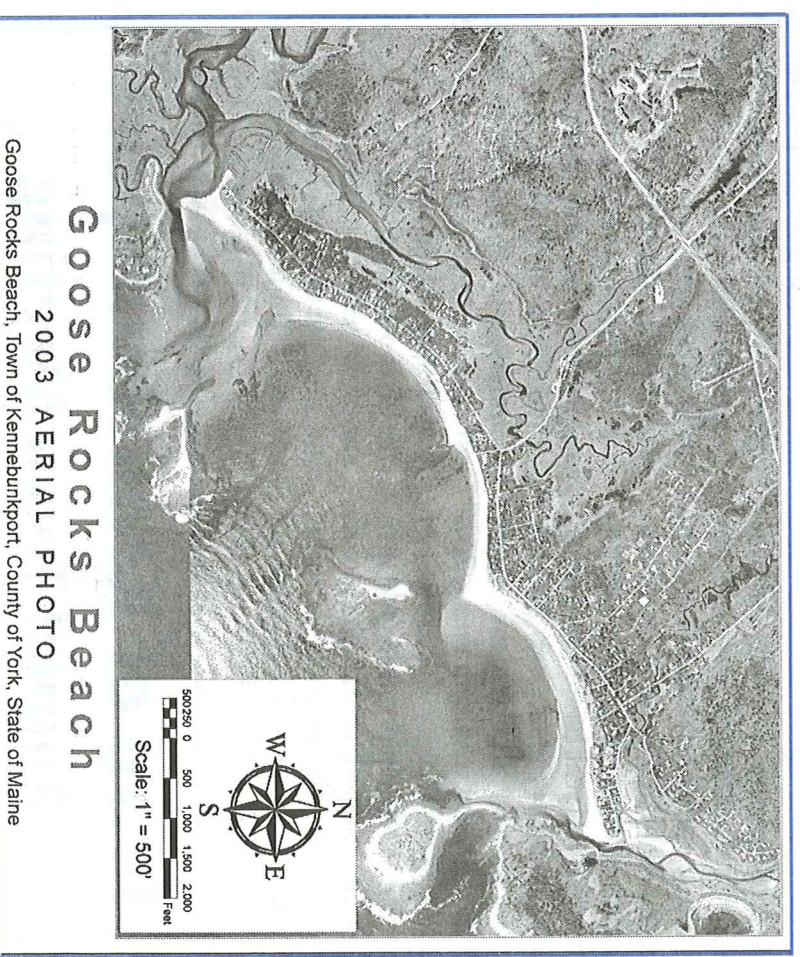
The confusion is related to how debt remaining from MSAD 71 is divided between the two towns. Arundel, although a partner in the RSU, is not responsible for pre-existing MSAD 71 debt. State law stipulates that the portion of the MSAD 71 debt that was state approved must be allocated according to a formula that emphasizes the respective pupil counts in each town. That ratio is close to 80/20 because Kennebunk has about 80% of the pupils and Kennebunkport about 20%. Approximately two-thirds of the

See CONTROVERSY page 7

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Allan Moir named Fire Chief Dick Stedman is Fire Administrator

By Larry S. Mead, Town Manager

Allan Moir was appointed to the position of Chief of the Kennebunkport Fire Department, effective May 14. Town residents know him in his capacity as Superintendent of the Wastewater Department, a position he has held for 24 years. Because the Chief's position is part-time, he will continue to serve as the head of Wastewater. He has served in the Fire Department since 1994, working his way up through the ranks to his current position as District 2 Chief. At the same time, he served with the Kennebunk Fire Department as Lieutenant for the Washington Hose Company, a position he has resigned from in light of his new duties. He also served with the York County Hazmat Team since its inception in 2003 and now holds the position of Deputy Chief for this regional unit. He is well respected within the Fire Department and the Town for his knowledge and dedication.

Working with Chief Moir in managing the department is Dick Stedman, who will serve as Fire Administrator. He joined the department as a firefighter in 2000 and has served as Deputy Director of Emergency



Allan Moir and Dick Stedman.

Management since 2003. For the past seven months, he has served, for the third time in the last five years, as Interim Fire Administrator. He brings over 15 years of experience as a manager and administrator in the private sector. In his several stints of duty as Interim Administrator, his knowledge and organizational ability were extremely beneficial to the Fire Department and the Town.

The appointment of a part-time chief represents a change in management structure for the department. After the merging of the four fire companies in 2005, the Chief's position was made full-time. The experience of the

See ALLEN MOIR page 7

Seven referendum questions on town meeting warrant

By Larry S. Mead, Town Manager

The Growth Planning Committee is recommending changes to the "Land Use" chapter of the Comprehensive Plan addressed in Question 4 of the annual town meeting warrant. The changes would delineate growth areas within the Town according to patterns of development and the availability of town sewer and water. A growth area map is incorporated in order to identify areas in town that would benefit from variable growth rates, in particular with respect to new housing development. Three general categories are named: growth, transition and rural. Each area is subject to a different number of growth permits in any given year based upon a percentage of the total; 50% into the growth area, 30% into the transition area, and the remaining 20% into the rural area. This scaling of permits will help promote and protect the existing character of each area. A map showing the locations proposed for growth, transitional

and rural areas is available on the Town's website.

Growth: Identifies those areas in 2009 that were either serviced by sewer and water or were within 1,000 feet of those services. This area characteristically has development that consists of village patterns including residential and commercial development.

Transitional: Identifies an area between rural and growth. This area characteristically has development that consists of residential, some commercial, and a number of large wetland systems including Goose Rocks Beach.

Rural: Identifies those areas which are not typically serviced by sewer and water. This area characteristically has development that includes residential, conservation, some commercial, agricultural, and large tracts of fields and forests.

The Town's Land Use Ordinance currently restricts the number of housing permits issued each year to 48. Under the proposed

Comprehensive Plan, changes to the number of housing permits available each year will be no less than the average annual number of permits issued by the Town for the past 10 years, plus 10 percent. In 2009, the Town issued 38 permits by way of example. In no case would the number of permits allowed be lower than 40 per year. Permanent residents would be given preference for growth permit applications.

Land Use Ordinance changes

Remove mobile home park as conditional use: Question 1 eliminates mobile home parks as a conditional use in the Goose Rocks Beach zone. This change would protect the zone from undersized lot residential development.

Accessory apartments: Question 2 modifies the definition of accessory apartments in the Land Use Ordinance so that the definition is consistent with the ordinance regulating accessory apartments.

Non-conforming structures: Question 3 clarifies that the Planning Board may approve the reconstruction of non-conforming structures so long as the reconstruction does not increase the non-conformity.

Changes to Property Tax Assistance Ordinance

Question 5 amends the Property Tax Assistance Ordinance so that the deadline for applications can be adjusted to coordinate with the State's property tax assistance program. It also clarifies that the Town can apply a credit to an individual's property tax bill or issue a check if property taxes have already been paid in full.

Release of sewer easements

Questions 6 and 7 authorize the release of easements held by the Town on properties where privately owned sewer structures have replaced town-owned sewer structures.

Town of Kennebunkport Annual Town Meeting

Tuesday, June 8, 2010
8:00 am - 8:00 pm

Village Fire Station
32 North Street

Election of Officers and
Referendum Questions
and

Saturday, June 12, 2010 at 9:00 am

Consolidated School Auditorium
25 School Street
Funding and Non-Funding Articles

Absentee voting

By April Dufoe, Town Clerk

Absentee ballots are now available at the Kennebunkport Town Clerk's Office for the upcoming Annual Town Meeting Election to be held Tuesday, June 8, 2010, at the Village Fire Station, on 32 North Street in Kennebunkport. If you have any questions about absentee voting or about this election, please call the Town Clerk at 967-4243 ext. 110.

Goose Rocks Beach summer trash and recycling schedule

Trash and recycling collection occurs on Fridays in the Goose Rocks Beach area in the spring, fall and winter.

In the summer, the collection schedule changes to the Saturday of Memorial Day weekend to the Saturday of Labor Day weekend.

SUMMER OF 2010 COLLECTION DAYS

Saturday, May 29, 2010
through
Saturday, September 4, 2010

After Labor Day weekend, the schedule returns to Friday pickup starting September 10, 2010.

Recycling will still continue to be every other week, but on Saturdays during that period.

Hours of collection: No earlier than 6:30 a.m. and completed no later than 6:00 p.m.

Registrar of Voters hours

By April Dufoe, Town Clerk

The Kennebunkport Town Clerk/Registrar of Voters will hold evening hours at the Kennebunkport Town Hall on Wednesday, June 2, 2010, from 4:30 - 6:30 p.m. to conduct absentee voting; to register any person eligible to vote, and to accept any enrollment/address changes.

Fiscal year 2011 budget; tax rate expected to remain flat

By Larry S. Mead, Town Manager

A decrease in the RSU 21 education assessment will offset increases in the county assessment and municipal budget in the 2011 fiscal year. For this reason, it is anticipated that the overall tax rate of \$6.34 will either remain unchanged or decrease slightly.

The fiscal year 2011 municipal budget presents challenges on the expenditure side of the budget, primarily related to three issues; a 14% jump in the York County assessment, restoration of funding for capital needs, and anticipated legal expenses related to the Goose Rocks Beach lawsuit. Non-property tax revenues are expected to increase modestly, which is a much better forecast than last year's sharp decline. In fact, the projection for revenue growth follows two successive years of revenue decline, perhaps signaling that the economic downturn has bottomed out with respect to the municipal budget.

There are three major components that contribute to each property owners tax bill; municipal, county, and school. The Town has control over the municipal portion. The County assessment is determined by the County Commissioners and County Budget Committee. The school assessment is developed by the RSU 21 Board of Directors and approved by voters of the three member towns. The Town's proposed assessment from RSU 21 of \$6,260,773 is \$343,000 less than the current fiscal year.

The County's financial problems have this year been passed down to the towns and cities in York County. Kennebunkport absorbed the largest increase of all towns on a per-capita basis, over \$121,000 or 14.3%. Given the limited services that Kennebunkport receives from

the County, the successive years of mismanagement at the County is particularly difficult to tolerate. It is incumbent on the current County Administrator and the elected County officials to establish sound financial management and planning so that the mistakes of the past are not repeated.

Overall, fiscal year 2011 municipal expenditures increase 8.4%, an increase of \$491,266. Two categories; legal costs and capital outlay account for 85% of the increase. When these two categories are excluded, total expenditures increase just 1.5%.

Personnel: Wages and salaries represent 40% of the operating budget. Last year, the Town's employees did not receive a wage adjustment due to the difficult economy and the significant reduction in non-property tax revenues. This year, the collective bargaining agreement provides for a 3% wage increase. Additionally, employees with 25 years of service (three employees) receive \$.35 per hour beginning this year, the second year of the contract. Employees with 20 years of service earn an additional \$.10 per hour (eight employees). Overall, wages and salaries are increased 2.8%, \$65,855.

The retirement of Lorraine Brooks in the assessor's office opened up the opportunity for a reorganization of responsibilities. Werner Gilliam will take on the assessing functions in addition to his planning duties. Previously, Werner had split his time between planning and code enforcement. Given the decline in development due to the economy, the half-time position in code enforcement has been eliminated, at least until such time as building activity increases to the

level of a few years ago. As a result of this change, there are now 2.5 fewer positions in the Town's operating budget than in fiscal year 2009, including a police patrolman and a half-time youth services coordinator. If those positions were still funded, the budget would have been \$160,000 more than is proposed this year, including retirement and benefits. This represents a significant savings this year and in the years ahead.

Staff Retirement and Health: Overall costs in this category are up \$83,034, or 10.7%. As has been the case for several years, the cost of health insurance is projected to increase 8%. The total cost to the Town for health insurance is \$478,000. This year, two other costs have increased significantly. The first, retirement health savings, was not funded in fiscal year 2010 due to a change in IRS rules. The settlement of the union contract resulted in the reinstatement of the program for fiscal year 2011 at a cost of \$24,500. Although this benefit represents an upfront cost to the Town, the cost is an offset due to a "give-back" by employees in the amount of \$36,800 in accumulated sick leave benefits, reducing the Town's future liability by that amount.

The second additional cost increase of significance is the Town's share of Maine State Retirement (MSRS) contributions, which increased \$23,424, or 25%. It is noteworthy that there is no net increase in the fiscal year 2011 tax commitment because of a corresponding revenue credit from MSRS to the Town. For many years, the Town has benefited from a positive credit balance with MSRS. This credit balance has remained stable because the annual cost to the

Town for retirement contributions has been offset by investment growth in the MSRS account. The Town will need to monitor the sustainability of this credit balance in light of the recent decision by MSRS to increase municipal contributions to the retirement system. If the Town's credit balance fund is depleted significantly, the Town would need to budget for at least a portion of the annual cost of retirement contributions.

Legal: There is an extraordinary increase of \$250,000 in legal costs associated with anticipated expenses related to Goose Rocks Beach litigation.

Other Expenses: Down 32%. No funding is recommended for the local circuit breaker budget, which represents a reduction of \$80,000. This past year was the first year in this program. The experience has been that there was less demand than funds appropriated. As a result, it is recommended that the funds remaining in the account be carried over to fiscal year 2011. It is anticipated that the fund balance will be sufficient to fully meet the need.

Capital Outlay: Capital costs are up 53.7%, (\$160,244). The proposed capital budget represents 7.2% of total expenditures. This is a modest amount as a percentage of the total budget. By way of comparison, capital expenses represented 14.5% of total in fiscal year 2008 and 9% of total in fiscal year 2009. Last year, the capital budget was reduced to 5% of total in order to achieve the goal of no increase in tax commitment. Last year's level is not adequate to the needs of the Town over time, and the proposed increase is reflective of that.

Kennebunkport public officials

Board of Selectmen

Allen A. Daggett, Chair
Mathew J. Lanigan, Vice-Chair

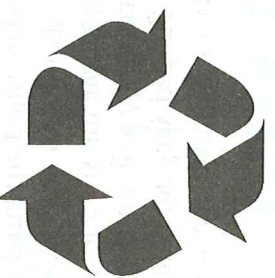
Stuart E. Barwise

Sheila Matthews-Bull

D. Michael Weston

Town Manager

Larry S. Mead



Reduce
Reuse
Recycle

Annual town reports-2009 Now Available

Be an informed resident and voter. Come and pick up your Annual Town Report at one of the following locations:

- Town Office on 6 Elm Street
- Bradbury's Market
- Police Department
- Public Health Office
- Cape Porpoise Library
- Louis T. Graves Memorial Library

Besides voting information for the annual town meeting in June, this report also contains other essential items such as town department phone numbers, the recycling reference chart and calendar, along with an account of the activities of the various town departments and boards/committees.

Town seeks grant funds to improve Government Wharf

By Larry S. Mead, Town Manager

The Town is seeking state or federal grant funds to make long-needed improvements to Government Wharf. Government Wharf is a town-owned commercial wharf located on the Kennebunk River off Josiah Curtis Road. The waterfront pier serves both commercial and recreational/private users, including approximately 25 full and part-time lobstermen and commercial ground fishermen. The wharf also serves the public as a location for temporary docking for any reason, including pickup or discharge of passengers and/or supplies. The wharf structure provides temporary berthing for commercial fishing boats, two sets of floats for skiffs and transient landing, adjacent parking for approximately 30 vehicles, a hand-carry boat launch, seating area with harbor views, and a bait shed and docking facility with three motorized tackle hoists.

Due to the age of the pier, heavy use, and insufficient maintenance, the facility requires substantial renovation and replacement. The Town proposes to replace timber and fender piles, reconstruct the timber deck of the wharf, build a new bait shed, and improve access from the wharf to the water.

The Planning Board voted on May 5 to approve the proposed improvements. The Town has received the required permit from the State Department of Environmental Protection and should obtain a permit from the US Army Corp of Engineers by the end of May.

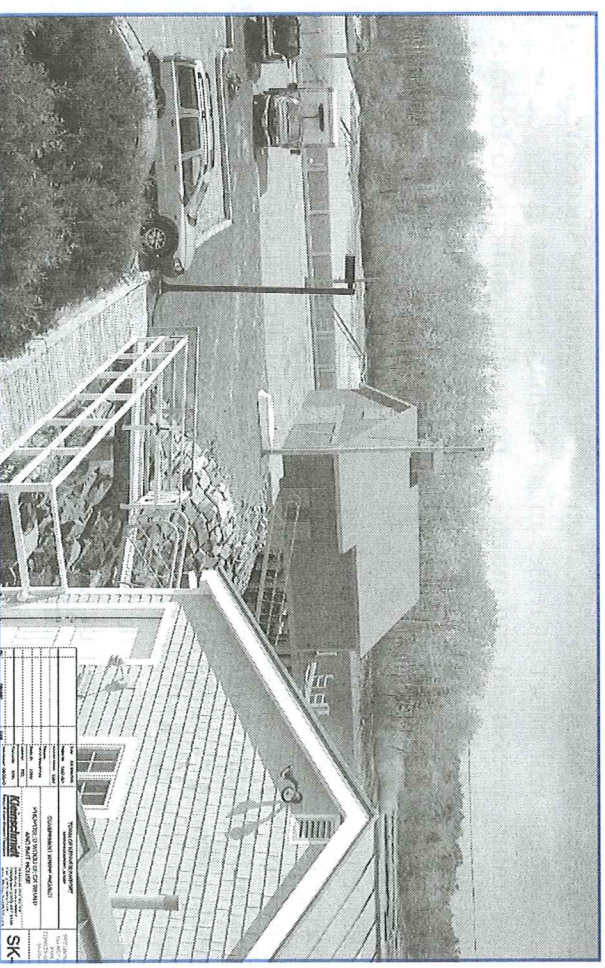
Existing conditions
The existing wharf construction is timber and timber piles in combination with a granite filled pier.

Various sections of the wharf have been replaced "piece meal" over the years due to decay. Currently, a 35-foot section of wharf deck that would connect two hoists is missing. Additionally, there is no gangway access to the floats on the north wharf face. Access between the float sections and the wharf is only via timber ladder, making it difficult to carry equipment at low tide, and the missing section of wharf decking limits capacity.

The wharf structure itself is in need of reconstruction. Planking on horizontal surfaces has become twisted and uneven and presents safety hazards. Wood pilings which support cantilevered surfaces over the water's edge are misaligned and a number of them have either settled or floated upward. The timber deck supports the stick-built bait shed, and does not connect to the southern-most hoist and berth used for loading and unloading.

The bait shed is an open-air, single-story structure. The original structure dates back to the 1950s and has been added onto several times to meet the needs of the fishing community. As a result, the building now has an irregular shape. The bait shed lacks refrigeration, and the bait is preserved with salt. This tends to result in some loss of bait and a foul odor detectable along the river, particularly in the summer.

The bait shed foundation is over both land and the river. The portion of the foundation over the land rests on granite blocks while the portion over the water is supported by timber piles and cribbing. The overall integrity of the bait shed and foundation has been



Rendering of proposed new bait shed storage building on Government Wharf.

compromised due to the elements. The most significant structural concern is that the bait shed and wharf are supported by bearing on granite blocks and piles. Piles are driven to resistance, but none are anchored to bedrock below. There is no safeguard against uplift forces caused by surge tides. The bait shed and wharf structures could potentially "float away" during a major tidal event. At times of highest tides of the year, the bait shed floor has been under water to the point where the 30-gallon bait drums begin to float.

Proposed improvements
The proposed design improvements include replacing the timber pile supported deck, replacing the timber fender piles, and construction of a new bait house facility. Other proposed improvements include a new gangway from the parking lot to the adjacent floats, straightening and improving the usability of the west face with a continuous timber deck and fender

system along the wharf face, and new floats on the south end of the wharf. The new footprint will be the same as the existing wharf structure except for construction of the additional deck section which is currently missing.

A new bait house will be constructed as an insulated, refrigerated structure dedicated to bait storage. If sufficient funding is not available, the bait shed will be constructed to accommodate a refrigeration unit in a second phase of construction. The floor elevation of the bait shed will be raised approximately 3 feet in order to comply with floodplain requirements. As a result, site work is required to raise the parking lot in order to match to the finish grades.

The Town will apply for funding to the Maine Department of Transportation's small harbor improvement program. Funding is very limited, and it may require more than one round of application to obtain the necessary funds.

Kennebunkport Parks & Recreation Senior trip opportunities

We have planned trips to musical productions, theatrical performances, gardens, fairgrounds, historical sites, and more.

For details, check cable channel 2/16 or our website at

www.kennebunkportme.gov

FMI: 967-4304

Goose Rocks Beach parking stickers

If you are planning to visit Goose Rocks Beach, parking stickers are required for daily parking between the hours of 8 a.m. and 6 p.m. from the beginning of Memorial Day weekend through Labor Day weekend. Four options are available for purchasing Goose Rocks Beach parking stickers. You may purchase them at the town office from 8 a.m. until 4:30 p.m.; the police department 24 hours/7 days a week; the General Store at Goose Rocks or through the mail. If you wish to purchase stickers through the mail, please call the town office at 967-4243 to request a form. Besides the form, you will also need a check payable to the Town of Kennebunkport and a photocopy of the vehicle registration for each sticker required.

In order to buy a Kennebunkport taxpayer parking sticker for \$4, you must either pay property or excise tax to the Town.

Nonresident parking stickers are: \$12 for daily, \$50 for weekly, and \$100 for the season. Buying a sticker does not guarantee a place to park.

Kennebunkport Public Health

By Judy Barrett, RN, B.S.

Summer is quickly approaching and with that, the number of guests in our community increases. This is just a reminder that the Kennebunkport public health department provides skilled nursing care to residents and visitors both in our office and at home. A major component of public health is education and prevention. Contact our department at 967-4401, if you are in need of medical or referral information. We have a fully stocked, free home medical supply loan closet. So, if you find that you or a guest are in need of crutches, a walker, or shower chair, these items are available at our office. We would like to remind you that sharps and unused/expired medications are to be brought to the public health office for safe disposal. These programs are established in order to avoid accidental exposure of blood-borne pathogens to family members, trash handlers, pets etc. Please do not flush medications into your sewer, septic system, or down storm drains. Research has shown that evidence of medications is showing up and polluting our watersheds, rivers and streams.

Maine Healthy Beaches program

Again this summer, Kennebunkport will participate in the Maine Healthy Beach Program. When you pick up your beach stickers, remember to take home the new Healthy Beach pamphlet and follow the guidelines. Water quality status at both Colony and Goose Rocks Beaches can be found on the Town's webpage as well as www.MaineHealthyBeaches.org. This program runs from Memorial

Day through Labor Day. Weekly water samples are taken at several beach locations and tested for Enterococci bacteria. If you are interested in being trained as a volunteer for this program, please contact the public health office at 967-4401. Boaters, remember Kennebunkport is a NO DISCHARGE ZONE. The River Committee has a free pump-out station in the Kennebunk River. All boaters are encouraged to use this facility.

Septic systems

When was the last time your septic system was pumped out? Residents with septic systems are reminded that in order for your septic system to function efficiently as well as extending its life, they need to be on a routine pump-out schedule. Faulty septic systems are a major source of fecal contamination in our watersheds. Don't forget to check and follow the Town's webpage for the *Best Practices* guidelines concerning lawn and garden care.

Stuff the bus

The Kennebunkport Health Council will again sponsor the Stuff the Bus Project on Election Day, June 8, from 8 a.m. to 7 p.m. Everyone is encouraged to bring non-perishable food and household supplies to the polls. Help us fill the shelves of our Community Outreach Food Pantry. The need is great during the summer when our school children who are on the school free or reduced rate breakfast/lunch programs are home.



Kennebunkport Tree Warden Rick Griffin and Arborist Bob Palmer finishing the survey of the 1,300 elms and shade trees in the Town's inventory. The Conservation Shade Tree Committee members gave many volunteer hours to update the records. This effort is part of the reason our town is a Tree City USA and will receive a citation during Arbor Week for 33 consecutive years of conservation of our shade trees.

US SPORTS

institute

MULTI SPORTS PROGRAM

Experience over 15 different sports from around the world with the US Sports Institute. All activities will take place in an atmosphere which promotes good sportsmanship, teamwork, and most of all fun. Participants will receive technical instruction in each sport. Then, experience the sport in a realistic game situation as well as participating in the exciting USSI World Cup Competition. Participants will receive a t-shirt and certificate. This is the only sports program truly dedicated to children of all sporting abilities.

Location:

Parsons Field

Dates:

July 12 - 16

Ages:

5 to 14 years old

Time:

9 a.m. to 1 p.m. (5 to 7 years old)
9 a.m. to 3 p.m. (7 to 14 years old)

Cost:

\$129 & \$149 respectively.

CRICKET CLINIC

Finally get the chance to learn this sport, popular in many countries around the world. Cricket is growing day by day in the USA, it is an exciting sport, easy to learn and fun to play. The USSI cricket camp gives children a structured insight into the sport in a fun relaxed atmosphere. Campers will be guided through all technical areas of the game through fun drills and activities and always finishing with the USSI cricket World Cup! Bating, bowling, fielding, ball handling, positioning and the rules of the game will be covered during the week - all taught by US Sports Institute qualified international cricket coaching staff.

Location:

Parsons Field

Dates:

July 12-16

Ages:

6 to 14 years old

Time:

4 p.m. to 6 p.m.

Cost:

\$99

Summer Programs 2010

Kennebunkport Parks & Recreation

Keep Movin'
Have Fun

Quality Programs
Flexibility
Reasonable Rates

Day camp for kindergarten through 8th grade.
Action & Adventure.

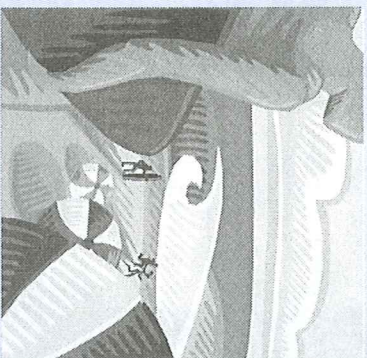
Themed all-camp activities and weekly field trips.
Participants from many different communities.

NEW! US Sports Institute Multi-Sport Camp
for ages 5-14.

Outdoor Adventure for 6-8 grades.

Swimming, archery, bike club, tennis lessons,
arts & crafts, kayaking, mini-golf, youth golf camp,
street hockey, soccer, gardening, etc.

FMI 967-4304
www.kennebunkportme.gov



FREQUENTLY ASKED QUESTIONS

Does my child need any experience to attend?

No, our camps are open to children of all sporting backgrounds, camps will be placed into age and ability appropriate groups. The curricula for all programs is designed to suit all participation levels to ensure that children from beginner to experienced have the opportunity to play sports in a positive, developmental and fun learning environment.

What do campers need to bring?

All campers are required to arrive in sports appropriate clothing and footwear, sun protection, lunch, snacks and plenty of water/fluids to last the day. The Site Coordinator should be made aware of any physical limitations or medication required for your child at the beginning of camp. Sports equipment is provided on all camps with the following exceptions:

- Tennis: Children must have their own racquet.
- Field Hockey: Children must wear shin guards.

How qualified are US Sports Institute staff?

All camp staff have a minimum of 3 years experience in sports education or teaching. Our coaches are not only selected for their sports education qualifications, but also for their ability to inspire, motivate and encourage campers. They go through an extensive application process, which includes a police background check. All staff have basic first aid training and a cell phone is always present at camp in case of emergency. All staff are committed to building confidence and excellence into the lives of your children.

What will my child learn during the week?

Regardless if you are attending a multi sport camp or sport specific camp, your child will learn the fundamental skills in all sports played throughout the week. Aside from the actual technical sports instruction each camper will experience an atmosphere that promotes positive values, good sportsmanship and teamwork.

For more answers to frequently asked questions please visit our website at:

www.UsSportsInstitute.com

Simply select the F.A.Q. option which can be found in the Parents menu.



SUMMER SPORTS CAMPS IN KENNEBUNKPORT

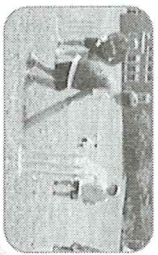
Kennebunkport Recreation presents US Sports Institute, Summer Sports Camps.

MULTI SPORT CAMP

Experience over 15 different sports in one week with the US Sports Institute. The multi sport program is the only summer camp program dedicated to the truly sports minded youngster.

Over 15 Sports from Around the World!

- | | |
|---------------|---------------|
| Flag Football | Team Building |
| Basketball | Badminton |
| Lacrosse | World Cup |
| Handball | Volleyball |
| Hockey | Pillo Polo |
| Cricket | Baseball |
| Bocce | Kickball |
| Soccer | Frisbee |
| Tennis | Rugby |



- | | |
|-------------------------|-----------------------|
| • International Coaches | • Water Games |
| • Fun Games & Drills | • First Aid Certified |
| • World Cup Afternoons | • Camp Coordinator |
| • Theme Days | • Social Environment |
| • Olympic Fridays | • Coaches Challenge |

CRICKET CAMP

Cricket is an exciting, unique sport, easy to learn and fun to play. The USSI cricket camp gives children a structured, progressive insight into the sport, in a fun relaxed environment.



- Campers will be guided through all technical and tactical areas of the game, participating in fun drills and activities along the way. The week always concludes with the fun and exciting USSI cricket World Cup!
- Batting
 - Catching
 - Bowling
 - Positioning
 - Blocking
 - Team Play

2010 CAMP DETAILS

Code	Date	Location	Times	Age	Fee
MULTI SPORTS CAMP					
MS5035	July 12-16	Parsons Field	9am-1pm	5-7	\$129
MS5036	July 12-16	Parsons Field	9am-3pm	7-14	\$149
CRICKET CAMP					
CR5037	July 12-16	Parsons Field	4pm-6pm	6-14	\$99

To register or for further information please contact
Kennebunkport Recreation Department
Consolidated School
P.O. Box 566
Kennebunkport, ME 04046
Tel: (207) 967 4304

All Children receive a T-shirt and Certificate

Presented by:
US SPORTS
institute

866-345-BALL
www.UsSportsInstitute.com

Controversy

from page 1

MSAD 71 debt is state approved. The remaining one-third of the SAD 71 debt is characterized as "local-only" debt. State law does not dictate how the local-only portion of debt is assessed. In the case of Kennebunkport and Kennebunk, the assessment of local-only debt was established by the Regional Planning Committee (RPC) in a months' long process to craft a consolidation plan that was eventually approved by voters in November 2008. The consolidation agreement stipulates that local-only debt is to be assessed based on a formula that is 70% town valuation and 30% pupil count. This ratio is derived from the cost apportionment established by the original MSAD 71 charter. The consolidation agreement also, therefore, apportions state approved debt according to pupil count. RSU board members who were members of the RPC believe that the section dealing with debt allocation in the consolidation agreement passed by the voters was changed late in the planning process without the knowledge of the RPC. For this reason, these RSU board members believe that the consolidation agreement should be changed so that all MSAD 71 debt is apportioned at the charter ratio of 70/30.

While some members of the RSU board wish to rewrite the RSU charter agreement, there are also arguments to be made to keep the agreement

just as the voters approved in 2008. One consideration is that for the final four years of MSAD 71's existence (fiscal year 2006 to fiscal year 2009), the District's debt was allocated in the two-tiered manner that differentiates between state approved debt and local-only debt. The two-tiered approach was introduced when the state legislature drastically changed the administration and funding of K-12 education in 2005. A second consideration is the lawsuit filed by Kennebunk against Kennebunkport following the implementation of the new state law in fiscal year 2006. Kennebunk objected to the new law precisely because it changed the method of funding MSAD 71 from the 70/30 charter formula to a blend of the state's 80/20 pupil count formula and the charter ratio of 70/30. Kennebunkport was obligated to retain legal counsel to protect the interests of its taxpayers. Kennebunk eventually dropped the lawsuit after the founding of RSU 21. A third consideration is that Kennebunk sought to have the legislature change the law so that MSAD 71 would be exempt from the new state regulations and be allowed to return to the straight 70/30 apportionment. The Town of Kennebunkport strenuously resisted this effort, and Kennebunk was unsuccessful in getting the legislature to do so. A fourth consideration is that it is not clear at the time of this writing that all members of the Regional Planning Committee understood during the planning process that a proposal to apportion MSAD

71 debt by the 70/30 ratio was inconsistent with state law. It is not clear that the proposed change in the manner of apportioning debt was clearly and fully addressed during the RPC deliberations so that RPC members not versed in the complex school funding law understood that apportioning debt by 70/30 represented a change in the way debt was then assessed in the MSAD. A fifth consideration is that it is not possible to assert what decisions the RPC would have made if it had been made aware in October of 2008 that the section of the draft consolidation agreement pertaining to debt allocation was not in compliance with state law. A sixth consideration is that the state would not have approved the consolidation agreement unless the state approved MSAD 71 debt was assessed to the two towns according to pupil count as prescribed by law.

While it may not be possible to determine with certitude exactly what the various members of the RPC understood with respect to the proposed distribution of pre-existing MSAD 71 debt, it is important to attempt to do so. One important element in determining intent will be to carefully review all documentation of RPC meetings and deliberations in order to ascertain how the issue of debt was presented, discussed, and understood by the members of the RPC. Until this level of review is carried out, any proposal to modify the RSU charter agreement approved by the voters in 2008 is premature and ill-conceived.

Allan Moir

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last five years demonstrated the need for a full-time person to keep up with the day-to-day administrative tasks. However, most communities in York County and Southern Maine with call volumes similar to the Kennebunkport Fire Department have part-time chiefs. This new organizational structure will allow the Chief to concentrate on operational issues and the Fire Administrator to focus on administrative functions.

Chief Moir is supported in leading the department by Assistant Chief Dave Chisholm, District 1 Chief Bob Thibideau, and District 3 Chief Noel Graydon. The District 2 Chief position vacated by Chief Moir will be filled very soon. Assistant Chief Chisholm has served as Interim Chief since September 2009, the second time in recent years he has stepped forward to help the department through a period of transition. His dedication and commitment are very much appreciated.

Looking forward, good things are in store for the Fire Department in the months and years ahead. There is solid leadership in place, including an excellent group of experienced and dedicated officers. The department has experienced a welcome influx of new members over the past year who bring energy and enthusiasm to the ranks. The department and Town benefit greatly from the service of new recruits and experienced members.

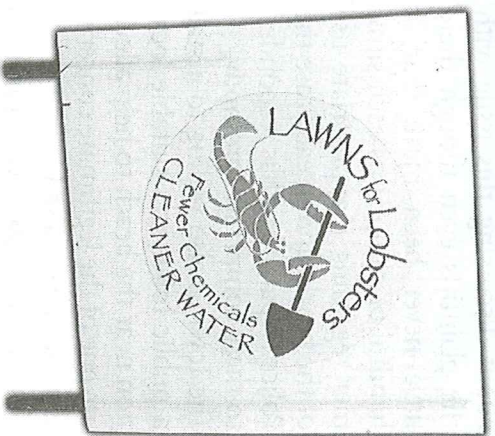
A few words from the Kennebunkport

Conservation Commission

By Sarah Lachance, Conservation Commission Chair

Happy spring to all of our fellow Kennebunkporters! Have you been noticing the "Lawns for Lobsters" signs cropping up around town on people's lawns and cars? Would you like to be one of the cool folks with one on your lawn? That's easy. All you have to do is follow a few simple steps when it comes to caring for your lawn and yard.

For example, do a soil test before you start applying any product. Why go wasting your money on a fertilizer that you may not need? Another easy little thing to do is pay attention to the weather and don't apply anything to your lawn when a heavy downpour is predicted. Not only will you be wasting money as the fertilizer gets swept off your yard, you could also be sending those chemicals right into our oceans. And, did you know that by letting your grass grow to about 3 inches will help minimize the amount of water it needs.



Better still, when you do mow, leave those grass clippings right on your yard. They're a great source of nitrogen-rich, FREE fertilizer.

There are a few other things to do to earn that lawn sign. So, go to the Town's website and look in the Conservation Commission section to find the "Best Management Practices for the Application of Turf Pesticides and Fertilizers" adopted by the Town last year. Ask your

lawn care provider to follow these steps or just do so yourself. Then, get in touch with me at sarah@campaignearth.org and I'll bring you a sticker or lawn sign, and you can be part of the "Lawns for Lobsters" club!

Another issue the Conservation Commission has been working on is bringing renewable energy and energy efficiency to the Town. This winter, we wrote and were awarded a grant through the State to provide an educational wind turbine project. Later this summer or early fall, you'll see the police station creating some of its own energy right on site!

Have you heard about the great programs to make energy efficient improvements to your home? The Efficiency Maine Home Energy Savings Program offers all homeowners an opportunity to get up to \$3,000 cash back on approved

energy efficiency projects. And, you can take advantage of the federal tax credits through Energy Star at the same time. The federal program covers 30% of your costs, up to \$1500. There has never been a better time to replace those leaky windows, put in some more insulation, or replace that old water heater. Please check the Conservation Commission webpage for details on an upcoming seminar to learn more. If you have questions in the meantime, feel free to email or call Sarah at 967-2671.

Do you have an issue you'd like to see the Conservation Commission pursue? Are you worried about an invasive plant species you've seen popping up around town? Please get in touch with us with your concerns. Better yet, join us! We'd love to have your energy and new ideas.

Future

from page 1

Town and the Conservation Trust. Because their lawsuit as filed names any persons, whether known or unknown, as defendants, it directly and very personally affects thousands of people who believe they have a right to walk on or otherwise use the beach for recreation and leisure.

Coincidentally or not, the complaint on behalf of the 23 property owners was filed in court on the 23rd of October. Anyone interested in learning exactly what the property owners are seeking should read the formal complaint which can be found at the Town's website: www.preservegoose-rocksbeach.org. Two property owners claiming to represent the plaintiffs have recently written publicly that they do not seek to prohibit walking on any part of the "private" beach. They also stated that they "are not asking the court for the "right" to choose who will recreate on the beach." However, the complaint filed with the court is not consistent with these benign assertions. For example, the complaint includes the following claims:

Paragraph 32 asserts title to the high dry sand portion of the beach, the "upland" zone,

Paragraph 33 asserts title to the intertidal zone between high and low tide, limited only by any rights members of the public have to fish, fowl or navigate as established by 1647 colonial ordinance,

Paragraph 41 asserts that the Town has failed to restrict unlawful use of the beach, including sunbathing, bonfires, picnicking and storage of boats,

Paragraph 44 asserts that the Town has permitted and encouraged public recreational use of the beach and in so doing has depreciated the market value of the plaintiffs property.

The concluding section of the complaint on pages 14 and 15 asks the court to bar absolutely every person from any right to use the beach from sea wall to low water, except for any rights to fish, fowl or navigate in the intertidal zone as defined by Colonial Ordinance in 1647.

By these claims stipulated in the documents submitted by the property owners to the court, it is clear that the property owners seek to

deny any person the right to use the beach from the sea wall to the water for routine recreational activities such as sunbathing and picnicking. They also seek to obtain a court ruling giving them the sole and exclusive right to determine who may or may not use the beach for any reason not defined by the 1647 colonial ordinance.

The complaint filed against the Town and the residents of the Town, if successful, would drastically change the character and culture of the Goose Rocks Beach neighborhood in particular and of the Town in general. It would end the traditional and long-established custom of public access and use of the full two mile length of beach without explicit or implicit "permission" by individual property owners. It would necessitate that residents and visitors make arrangements, written or otherwise, with 1, 3, 23, or 93 owners up and down the beach in order to legally use the beach for recreation. It would compel the Town to enforce complaints of trespass against individuals who sit on a towel on the beach in front of a property where the owner does not grant permission. It would have

an unknown effect on the property values of those who are not directly adjacent to the water.

While it is desirable to preserve and protect the values and traditions that make Kennebunkport such a wonderful place to live, this attempt to impose 360 year old regulations designed for a completely different way of life is unacceptable. The Town will object to and counter these claims in court on behalf of its residents. The Town's policy is to support the maintenance of status quo at the beach. The Board of Selectmen is unanimous in its determination to defend the public's right to use and enjoy the beach.

PUBLIC WAY TO THE WATER
PRIVATE BEACH ON BOTH
SIDES OF PUBLIC WAY
INTERTIDAL AREAS ON EITHER
SIDE OPEN FOR NAVIGATION
AND FISHING ONLY
NO PUBLIC FACILITIES

The plaintiffs bringing suit against the Town's residents proposed this language for signs at all entry points to Goose Rocks Beach.

Is there really any need for a lawsuit???

By Larry S. Mead, Town Manager

In an October 30, 2009, article published in the *Portland Press Herald* justifying the lawsuit against the Town, and in a recent letter to the *Kennebunk Post*, two of the property owners bringing suit against the Town, Robert Almeder and Jack Fleming, raise a number of concerns regarding the public's use of Goose Rocks Beach. They suggest that these concerns are the reason for the lawsuit. The concerns they identify lend themselves to resolution. The Town of Kennebunkport has been—and remains—willing to address each and every one of those concerns in order to avoid costly, divisive and time consuming litigation. Thus,

- Mr. Almeder and Mr. Fleming stated that plaintiffs had filed the lawsuit against the Town, in part, because the "disturbance of the wild and uncultivated bird habitat areas on the beach upsets many residents." There exists already a group of residents who, in consultation with Maine Inland Fisheries and Wildlife, actively monitor and support the plover habitat at Goose Rocks Beach. The Town Manager and Selectmen are supportive of efforts by this group of residents and remain willing to adopt reasonable regulations at Goose Rocks Beach to protect the plovers.
- Mr. Almeder and Mr. Fleming also stated that they filed the lawsuit, in part, because of the "uncon-

trolled and continuing development of seasonal condominium hotels and motels in the neighborhood," which they claimed

"threatens a loss of existing tranquility, privacy, essential wildlife habitat, and traffic safety by furthering serious congestion on the beach and on the nearby roads."

The Town is prepared to bring together residents of Goose Rocks Beach and other Town neighborhoods to assess the effects of recent and potential Rt. 9 development on Goose Rocks Beach. The Town supports constructive and open dialogue as a means to make land use decisions that support and promote the interests of the Town and the neighborhood.

- Mr. Almeder and Mr. Fleming (and other Goose Rocks Beach residents) have expressed a desire to ensure that public use of the beach is reasonable and respects all nearby landowners. To address these concerns, the Town Manager and Selectmen have been and remain willing to discuss with the plaintiffs a number of ideas to address these concerns. These include but are not limited to placement of signage clearly designating public and private ways, the installation of racks for kayaks, canoes and boats, an increase in trash receptacles, trash pick-up and disposable waste bags for dogs, the use

of beach stewards, and reasonable limitations on bonfire permits and beach hours.

- The Town is also willing to discuss with the plaintiffs the need for an increased police presence at Goose Rocks Beach during the summer months to discourage illegal, inappropriate, disruptive or offensive conduct at the beach. The Town remains open-minded about discussing this issue with the plaintiffs even though there have never been more than a handful of complaints each summer regarding inappropriate use of the beach, and in each case the Police Department has responded to these complaints promptly.
- The Town is also willing to install a public toilet at a suitable location near the beach to help alleviate one of the legitimate concerns that has been raised.
- Finally, the Town was (and is) prepared to help establish a committee of Goose Rocks Beach residents and others, to enforce any resolution reached by the parties. In this way, the Town believes that the legitimate issues raised by plaintiffs (and others) concerning reasonable, appropriate use of Goose Rocks Beach will be addressed and that, in the future, any concerns can be addressed by the committee.

Unfortunately, however, the plaintiffs, through their counsel, have

refused even to discuss the various proposals suggested by the Town and instead, have steadfastly insisted that public use of Goose Rocks Beach must be seriously restricted. The Town remains optimistic that if it continues to work toward addressing legitimate concerns, while still safeguarding the public's right to use the beach, a time will come when the plaintiffs realize that the best interests of everyone will be served by resolving this litigation and working together to ensure that the beach is preserved and protected for all.

Town meeting approval required for town to continue defense of Goose Rocks Beach lawsuit

Warrant article 49 appropriates \$250,000 for potential legal expenses related to the lawsuit filed against the Town and town residents. In order for the Town to respond to the lawsuit and defend the right of the public to continue to access and use Goose Rocks Beach, voters must approve Article 49.

Annual Town Meeting June 12, 9:00 AM Consolidated School

You must be a registered voter in Kennebunkport to vote at Town Meeting.